

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VINCE MARTINEZ and LUCY
MARTINEZ, Husband and Wife,

CASE NO: _____

Plaintiffs,

v.

NOTICE OF REMOVAL

THE TRAVELER'S INSURANCE
COMPANY, a Foreign Corporation,

Defendant.

Defendant Travelers Casualty Insurance Company of America ("Travelers"), improperly named in the state court action as The Traveler's Insurance Company, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the action captioned, "IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA, VINCE MARTINEZ and LUCY MARTINEZ, Husband and Wife, Plaintiffs v. THE TRAVELER'S INSURANCE COMPANY, a Foreign Corporation, Defendant, CASE NO. CI 17-600," to the United States District Court for the District of Nebraska. In support of this removal, Travelers has attached to this pleading the Complaint and Request for a Jury Trial served upon it in state court, as well as the summons issued from state court. Travelers further shows the Court as follows:

1. Travelers removes this action based on diversity jurisdiction.
2. Plaintiffs Vince Martinez and Lucy Martinez are Nebraska residents residing in the City of Mitchell, Scotts Bluff County, Nebraska. (Complaint ¶ 1)
3. Travelers is a Connecticut corporation with its principal place of business in Hartford, Connecticut. (Complaint ¶ 2)
4. The amount in controversy between the parties exceeds \$75,000.00. (Complaint ¶¶ 22 and 27)
5. This Notice of Removal has been filed within thirty days of Travelers' receipt of Plaintiffs' Complaint; receipt being October 25, 2017 and this removal action being filed on November 7, 2017.

6. A copy of Plaintiffs' entire Complaint and all of its attachments are attached to this removal at the time of filing. This dispute involves an issue of insurance coverage between the two parties.

7. This removal meets the requirements of 28 U.S.C. § 1446; further, the District Court of Scotts Bluff County, Nebraska, has been notified of this removal; Plaintiffs' counsel has also been served with notice.

WHEREFORE, Travelers hereby removes the above-captioned matter from the District Court of Scotts Bluff County, Nebraska, to the United States District Court for the District of Nebraska.

Dated this 7th day of November, 2017.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA, Defendant,

By: /s/ Jerald L. Rauterkus

Jerald L. Rauterkus, #18151
Bonnie M. Boryca, #24886
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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing *Notice of Removal* was served on November 7, 2017, upon:

Sterling T. Huff
20 East 16th St.
Scottsbluff, NE 69361

by: [☒] U.S. Mail, postage prepaid
[☐] Court's Electronic Filing System
[☐] E-mail
[☐] Facsimile Transmission
[☐] Hand Delivery
[☐] Overnight Courier
[☐] Certified Mail, Return Receipt Requested

/s/ Jerald L. Rauterkus